

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHAWN TALBOT RICE,

Defendant.

Case No. 2:09-cr-00078-JCM-GWF  
Case No. 2:10-cr-00520-JCM-GWF

**ORDER**

These matters come before the Court on identical motions filed by Defendant in two related cases, No. 2:09-cr-00078-JCM-GWF (“*Rice I*”) and No. 2:10-cr-00520-JCM-GWF (“*Rice II*”): Defendant’s Motion to Waive all Court Fees (*Rice I* #302; *Rice II* #66), filed on September 17, 2012; Motion to Direct Warden to Process In Forma Pauperis Application (*Rice I* #312; *Rice II* #73), filed on December 5, 2012; Motion to Approve in Forma Pauperis Status (*Rice I* #320; *Rice II* #81), filed on January 7, 2013; and Motion for Court to Direct Reporter to Produce Transcripts (*Rice I* #321; *Rice II* #82), filed on January 11, 2013. Plaintiff filed a Response (*Rice I* #313; *Rice II* #75) to the Motion to Direct Warden (*Rice I* #312; *Rice II* #73) on December 12, 2012. These cases were reassigned to this Court on January 24, 2013. *See Rice I Doc. #327; Rice II Doc. #87.* Defendant is acting in proper person in these matters.

Defendant was convicted after bench trial in both *Rice I* and *Rice II* before the District Judge on July 24, 2012. *See Rice I Doc. #285; Rice II Doc. #60.* After filing his Motion to Waive Court Fees (*Rice I* #302; *Rice II* #66), Defendant filed a Petition to Vacate under 28 U.S.C. § 2255 (*Rice I* #309; *Rice II* #70). The District Court denied the Petition as premature. (*Rice I* #325; *Rice II* #85). Sentencing for both cases is scheduled on February 7, 2013. *See Rice I Doc. #326; Rice II Doc. #87.* The Court construes the instant Motions as repeated requests to obtain copies of the *Rice*

1 *I* and *II* trial transcripts, and to waive the transcript fees. In its Response (*Rice I* #313; *Rice II* #75;  
2 at 4:7-9), Plaintiff represents it has no opposition to this request. Accordingly,

3 **IT IS HEREBY ORDERED** that Defendant's Motion to Waive all Court Fees (*Rice I*  
4 #302; *Rice II* #66), Motion Direct Warden Veatch (*Rice I* #312; *Rice II* #73), Motion to Approve in  
5 Forma Pauperis Status (*Rice I* #320; *Rice II* #81), and Motion to Direct Reporter (*Rice I* #321; *Rice*  
6 *II* #82) are **granted** in part and **denied** in part as follows:

7 (1) To the extent they relate to Defendant's Petition to Vacate (*Rice I* #309; *Rice II* #70), the  
8 Motions are **denied** as moot.

9 (2) To the extent they relate to Defendant's desire to use the trial transcripts at his  
10 sentencing, the Motions are **granted**.

11 **IT IS FURTHER ORDERED** that Defendant shall be provided with copies of the  
12 transcripts of the July 23 and July 24, 2012 bench trial in Case Nos. 2:09-cr-00078-JCM-GWF and  
13 2:10-cr-00520-JCM-GWF.

14 **IT IS FURTHER ORDERED** that the fee for the transcripts shall be waived.

15 DATED this 29th day of January, 2013.

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18 GEORGE FOLEY, JR.  
19 United States Magistrate Judge  
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